

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMTAX HOLDINGS 260, LLC, an Ohio
limited liability company, AMTAX
HOLDINGS 114, LLC, an Ohio limited
liability company, and ALDEN TORCH
FINANCIAL LLC, a Delaware limited liability
company,

Plaintiffs,

v.

WASHINGTON STATE HOUSING
FINANCE COMMISSION, a public body
Corporate and politic of the State of
Washington, BILL RUMPF, an individual,
LISA J. BROWN, an individual, DIANE
KLONTZ, an individual, DUANE
DAVIDSON, an individual, JASON
RICHTER, an individual, RICH NAFZIGER,
an individual, ALBERT TRIPP, an individual,
RANDY ROBINSON, an individual, ALISHIA
TOPPER, an individual, LOWEL KRUEGER,
an individual, KEN A. LARSEN, an individual,
and WENDY L. LAWRENCE, an individual,

Defendants.

No. 2:20-cv-01698-BJR

UNOPPOSED MOTION TO CLARIFY
OR EXTEND DATE TO COMPLETE
CONFERENCE REQUIRED UNDER
FEDERAL RULE OF CIVIL
PROCEDURE 26(f)

1 Defendant the Washington State Housing Finance Commission (the “Commission”)
 2 hereby moves the Court to clarify or extend the deadline by which the parties are required to confer
 3 on the issues set forth in Rule 26(f) of the Federal Rules of Civil Procedure and the Local Civil
 4 Rules. It is the Commission’s view that the Court’s order extending the deadline to answer the
 5 Complaint, Dkt. No. 28, also extended the time for the parties’ scheduling conference under Rule
 6 26(f), and that holding a scheduling conference now would be impractical and premature for the
 7 same reasons the Commission previously stated in support of the extension. *See* LCR 16(a);
 8 Standing Order IV; Dkt. No. 26 at 3 (noting extension would allow the parties “time to confer”
 9 about appropriate next steps “after the revisions are finalized”).
 10

11 Plaintiffs AMTAX Holdings 260, LLC, AMTAX Holdings 114, LLC, and Alden Torch
 12 Financial LLC (“Plaintiffs”), by contrast, have indicated that they understood the Court’s order to
 13 relate only to the deadline by which the Commission must answer the Complaint, and not to stay
 14 the case entirely or otherwise extend any other case deadlines. *See* Dkt. 28. Plaintiffs have further
 15 indicated that their understanding is based on both the text of the Court’s order and on the
 16 Commission’s statement that its previous motion sought “only to extend a single opening deadline
 17 to a date certain.” Dkt. 26 at 3. Plaintiffs accordingly have asked the Commission either to agree
 18 to proceed with the Rule 26(f) scheduling conference or to seek relief from the Court.
 19

20 To resolve this issue, clarify the parties’ obligations under the applicable rules, and to
 21 proceed efficiently in this litigation, the Commission respectfully requests that the Court enter an
 22 order confirming that the parties need not complete the scheduling conference required under Rule
 23 26(f) until at least 21 days after the Commission has answered or otherwise responded to the
 24 operative complaint (i.e., by April 9, 2021). While Plaintiffs do not agree that an extension is
 25 necessary to proceed efficiently, they do not oppose this request.
 26
 27

1 It is also the Commission's position that if it proceeds to file a motion to dismiss in response
 2 to the complaint as planned, then the parties should not be required to complete their Rule 26(f)
 3 scheduling conference until 21 days after that dispositive motion is adjudicated. The Commission
 4 believes that holding the Rule 26(f) scheduling conference after the adjudication of any such
 5 motion will ensure the parties' ensuing Joint Status Report and Discovery Plan are appropriately
 6 focused on the efficient resolution of any legal or factual issues that remain in this case.
 7

8 Plaintiffs do not agree that the Rule 26(f) scheduling conference should be delayed beyond
 9 April 9, 2021—which Plaintiffs have noted would be nearly five months after they initiated this
 10 action—but defer to the Court to set whatever deadline that the Court, in its discretion, deems
 11 appropriate.
 12

13 DATED this 12th day of February, 2021.

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 27

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February, 2021, I electronically filed the foregoing document with the Court ECF system, which will send notification of such filing to all counsel of record.

Dated this 12th day of February, 2021.

s/ Thien Tran
Thien Tran, Paralegal/Legal Assistant